

REMARKS

By this Amendment claim 1 has been amended to overcome the examiner's rejection under 35 U.S.C. 112, claim 15 has been amended to better define the claimed vehicle braking assembly, and claims 7-9, 11, 13, 14 and 17-35 have been amended to better comply with U.S. practice. Since it is believed that these amendments suffice to place this application in an immediately allowable state, entry is requested.

In the outstanding final Office Action the examiner has rejected claims 1, 7-9, 11, 13 and 14 under 35 U.S.C. 112 because the specification does not support defining the braking member as contacting at least one of the first and second wheel members.

This rejection is without merit. The specification at page 7, lines 25-30, specifically states that the braking member 5 rotates so as to move along slot 8 to be in engagement with wheel 3a. This supports the language of claim 1. In addition, on page 8, lines 3-5, it is stated that the brake foot of the braking member "comes between the wheel and the ground in the braking position." This supports amended claim 15.

The examiner's formality rejection should be withdrawn.

The examiner has rejected claims 1, 7-9, 11, 13-15, 17, 18, 21-29 and 31-33 under 35 U.S.C. 102(b) as being anticipated by Harris et al., and he has rejected claims 19, 20 and 30 under 35 U.S.C. 103(a) as being unpatentable over Harris et al.

These rejections are simply not correct.

Harris et al. disclose a security device for a cart wheel which includes a locking element that is selectively movable by a motor into positions engaging the cart wheel or disengaging therefrom. The wheel 34 includes a hub 36 and recesses 40, 42, 44 and 46, and the element 72 is movable by motor 74 to engage the wheel and lock it in a non-rotating state.

Harris et al. do not disclose or suggest first and second wheel members having a main body therebetween which defines a groove or slot around a periphery thereof, and a braking member "which is movable along said slot from a first position out of contact with said first and second wheel members and a second position in contact with one of the first and second wheel members (applicant's claim 1). The examiner's assertion that Harris et al. suggest such structure is simply not reasonable (how can the hub of Harris et al. be called a "second wheel member"?).

And nothing in Harris et al. would suggest the "peripheral brake foot" of applicant's claim 9.


And with respect to the applicant's claim 15, the element 72 of Harris et al. does not move to an operative position between the wheel 34 and the ground on which it travels.

The examiner's rejections should be withdrawn and this application
allowed.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:



Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8680